

SB2311



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2311

Introduced 2/15/2013, by Sen. Darin M. LaHood

SYNOPSIS AS INTRODUCED:

305 ILCS 5/4-1.13 new

Amends the Temporary Assistance for Needy Families Article of the Illinois Public Aid Code. Provides that the Department of Human Services shall require a drug test to screen each individual who applies for Temporary Assistance for Needy Families (TANF). Contains provisions concerning notice; persons required to comply with the drug testing requirements; persons exempt from the drug testing requirements; reimbursements for the cost of the drug testing; and other matters.

LRB098 08182 KTG 38280 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by
5 adding Section 4-1.13 as follows:

6 (305 ILCS 5/4-1.13 new)

7 Sec. 4-1.13. Drug screening for applicants.

8 (a) The Department shall require a drug test to screen each
9 individual who applies for Temporary Assistance for Needy
10 Families (TANF) under this Article. The cost of the drug
11 testing shall be the responsibility of the individual tested.

12 (b) An individual subject to the requirements of this
13 Section includes any parent or caretaker relative who is
14 included in an assistance unit that receives TANF benefits
15 under this Article, including an individual who may be exempt
16 from work activity requirements due to the age of the youngest
17 child or who may be exempt from work activity requirements as
18 provided under Section 9A-4 of this Code.

19 (c) An individual who tests positive for a controlled
20 substance as a result of a drug test required under this
21 Section is ineligible to receive TANF benefits for one year
22 after the date of the positive drug test, unless the individual
23 meets the requirements of paragraph (10) of subsection (d).

1 (d) The Department shall do all of the following:

2 (1) Provide notice of drug testing to each individual
3 at the time of application. The notice must advise the
4 individual that drug testing will be conducted as a
5 condition for receiving TANF benefits and that the
6 individual must bear the cost of the testing. If the
7 individual tests negative for controlled substances, the
8 Department shall increase the amount of the initial TANF
9 benefit by the amount paid by the individual for the drug
10 testing. The individual shall be advised that the required
11 drug testing may be avoided if the individual does not
12 apply for TANF benefits. Dependent children under the age
13 of 18 are exempt from the drug testing requirement.

14 (2) Require that for 2-parent families, both parents
15 must comply with the drug testing requirement.

16 (3) Require that any teen parent who is not required to
17 live with a parent, legal guardian, or other adult
18 caretaker relative must comply with the drug testing
19 requirement.

20 (4) Advise each individual to be tested, before the
21 test is conducted, that he or she may, but is not required
22 to, advise the agent administering the test of any
23 prescription or over-the-counter medication he or she is
24 taking.

25 (5) Require each individual to be tested to sign a
26 written acknowledgment that he or she has received and

1 understood the notice and advice provided under paragraphs
2 (1) and (4).

3 (6) Ensure each individual being tested a reasonable
4 degree of dignity while producing and submitting a sample
5 for drug testing, consistent with the State's need to
6 ensure the reliability of the sample.

7 (7) Specify circumstances under which an individual
8 who fails a drug test has the right to take one or more
9 additional tests.

10 (8) Inform an individual who tests positive for a
11 controlled substance and is deemed ineligible for TANF
12 benefits that the individual may reapply for TANF benefits
13 one year after the date of the positive drug test, unless
14 the individual meets the requirements of paragraph (10) of
15 this subsection. If the individual tests positive again, he
16 or she is ineligible to receive TANF benefits for 3 years
17 after the date of the second positive drug test, unless the
18 individual meets the requirements of paragraph (10) of this
19 subsection.

20 (9) Provide any individual who tests positive with a
21 list of licensed substance abuse treatment providers
22 available in the area in which he or she resides that are
23 licensed by the Department. Neither the Department nor the
24 State is responsible for providing or paying for substance
25 abuse treatment as part of the screening conducted under
26 this Section.

1 (10) An individual who tests positive under this
2 Section and is denied TANF benefits as a result may reapply
3 for TANF benefits after 6 months if the individual
4 documents the successful completion of a substance abuse
5 treatment program offered by a provider that is licensed by
6 the Department. An individual who has met the requirements
7 of this paragraph and reapplies for TANF benefits must also
8 pass an initial drug test and meet the requirements of
9 subsection (a). Any drug test conducted while the
10 individual is undergoing substance abuse treatment shall
11 meet any standards or requirements the Department adopts by
12 rule concerning drug-testing as provided under subsection
13 (f). The cost of any drug testing and substance abuse
14 treatment provided under this Section shall be the
15 responsibility of the individual being tested and
16 receiving treatment. An individual who fails the drug test
17 required under subsection (a) may reapply for TANF benefits
18 under this paragraph (10) only once.

19 (e) If a parent is deemed ineligible for TANF benefits as a
20 result of failing a drug test conducted under this Section:

21 (1) The dependent child's eligibility for TANF
22 benefits is not affected.

23 (2) An appropriate protective payee shall be
24 designated to receive TANF benefits on behalf of the child.

25 (3) The parent may choose to designate another
26 individual to receive TANF benefits for the parent's minor

1 child. The designated individual must be an immediate
2 family member, or, if an immediate family member is not
3 available or the family member declines to be designated,
4 another individual, approved by the Department, may be
5 designated. The designated individual must also undergo
6 drug testing before being approved to receive TANF benefits
7 on behalf of the child. If the designated individual tests
8 positive for a controlled substance, then that individual
9 shall be ineligible to receive TANF benefits on behalf of
10 the child.

11 (f) The Department shall adopt any rules necessary to
12 implement this Section, including rules concerning
13 drug-testing standards and requirements.